



COURT UNITED STATES DISTRICT COURT
 COUNTY OF SOUTHERN DISTRICT OF NEW YORK

DEUTSCHE BANK TRUST COMPANY AMERICAS, IN ITS CAPACITY AS
 SUCCESSOR INDENTURE TRUSTEE FOR CERTAIN SERIES OF SENIOR
 NOTES, ET AL.,
 Plaintiff(s)

against

ADALY OPPORTUNITY FUND TD SECURITIES INC. C/O ADALY
 INVESTMENT MANAGEMENT CO., ET AL.,
 Defendant(s)

Index No. 1:11-cv-04784

AFFIDAVIT OF
 SERVICE OF SUMMONS
 (AND COMPLAINT)

IN A CIVIL ACTION, AMENDED
 WITH EXHIBITS

STATE OF NEW YORK, COUNTY OF ALBANY SS: The undersigned, being duly sworn, deposes and says; deponent is not a
 party herein, is over 18 years of age and resides at ALBANY, NEW YORK
 That on October 5, 2011 at 2:45 PM., at 80 STATE STREET, ALBANY, NEW YORK
 deponent served the within summons, and complaint on defendant therein named,
 IN A CIVIL ACTION, AMENDED COGENT MANAGEMENT INC.
 WITH EXHIBITS C/O CORPORATION SERVICE COMPANY

INDIVIDUAL by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as
 1. ☐ said defendant therein.
 CORPORATION a DOMESTIC corporation, by delivering thereat a true copy of each to Steve Pastore
 2. ☒ personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and
 knew said individual to be MANAGING AGENT thereof.
 SUITABLE AGE PERSON by delivering thereat a true copy of each to a person of suitable age
 3. ☐ and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.
 AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—
 4. ☐ usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age
 and discretion thereat, having called there

MAILING TO RESIDENCE Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to
 USE WITH 3 OR 4 defendant at defendant's last known residence, at
 5A. ☐ said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.
 MAILING TO BUSINESS Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly
 USE WITH 3 OR 4 addressed to defendant at defendant's actual place of business, at
 5B. ☐ in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore
 the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the
 communication was from an attorney or concerned an action against the defendant.

DESCRIPTION USE WITH 1, 2, OR 3
☒ Male ☒ White Skin ☐ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.
☐ Female ☐ Black Skin ☐ Brown Hair ☐ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100-130 Lbs.
☒ Yellow Skin ☐ Blonde Hair ☐ Mustache ☒ 36-50 Yrs. ☐ 5'4"-5'8" ☐ 131-160 Lbs.
☐ Brown Skin ☒ Gray Hair ☐ Beard ☐ 51-65 Yrs. ☒ 5'9"-6'0" ☒ 161-200 Lbs.
☐ Red Skin ☐ Red Hair ☒ Glasses ☐ Over 65 Yrs. ☐ Over 6' ☐ Over 200 Lbs.

Other identifying features:

USE IN NYC CIVIL CT. The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional
☐ legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY SERVICE I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any
☐ capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of
 my information and the grounds of my belief are the conversations and observations above narrated. Upon information and
 belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either
 the State or in the Federal statutes.

Sworn to before me on

10/5/11

Ruth A. Dennehey
 RUTH A. DENNEHEY
 Notary Public-State of New York
 Albany County No. 4729775
 Commission Expires 11-30-2014

Mary M. Bonville
 Mary M. Bonville
 License No.